

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action and amended as necessary to more clearly and particularly describe the subject matter that the applicant regards as the invention. This paper amends claims 3 through 6.

Allowable Subject Matter

The Examiner indicated that claims 3, 4 and 6 would be allowable if the language were amended to indicate that the suction members leave the suction plane rather than the lower surface of the sheet. Accordingly, claims 3, 4 and 6 have been amended to more clearly and particularly describe that limitation. Therefore, the rejection based on 35 U.S.C. 112, first paragraph, is rendered moot and claims 3, 4 and 6 are now allowable.

Claim Rejections - 35 U.S.C. 102

Claim 5 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,060,593 to Kurosawa et al. (hereinafter "Kurosawa") and under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication 10-163133 to Seiichi (hereinafter "Seiichi"). For at least the following reasons, the Examiner's rejection is respectfully traversed.

These rejections are irresponsive to the changes made as to claim 5 in Amendment "A". Claim 5 had been amended to incorporate the limitations of claim 4. However, the same anticipation rejections were made without addressing the change in the language. Claim 5 has been amended additionally to incorporate limitations that the Examiner had indicated as allowable. In particular, claim 5 recites that separating the sheet from the chip occurs in a state where the suction members have left the suction plane. Therefore, the rejections of claim 5 were improper.

In further regard to claim 5, the Office action stated that method of use limitations are not given patentable weight in an apparatus claim. The limitations of claim 5 cannot be ignored as mere "method of use limitations." Claim 5 contains functional limitations, which, according to MPEP §2173.05(g), are permissible and define something by what it does, rather than by what it is. These limitations define the structure of the apparatus and must be given patentable weight.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, Order No. 36635.

Respectfully submitted,
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